

**8790. Misbranding of Mother's self-rising flour, medium grits, and Mountain City Mills flour. U. S. \* \* \* v. Mountain City Mill Co., a Corporation. Count 7 dismissed by agreement. Counts 2, 4, 6, 9, and 11 dismissed by the court. Trial of remaining counts before the court and a jury. Verdict of guilty on Counts 1, 8, and 10. Fine, \$300. Verdict of not guilty on Counts 3 and 5. (F. & D. No. 8522. I. S. Nos. 3211-m, 3212-m, 3213-m, 3214-m, 3216-m.)**

On March 21, 1917, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in 11 counts against the Mountain City Mill Co., a corporation, Chattanooga, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, from the State of Tennessee into the State of Georgia, on or about March 16, 1917, of quantities of Mother's self-rising flour and Mountain City Mills flour, and on or about March 20, 1917, of a quantity of medium grits which were misbranded. The articles were labeled in part, "Mother's Pure Wholesome Self-Rising Flour \* \* \* Mountain City Mill Co., Chattanooga, Tenn. \* \* \* 24 Lbs. when packed," "96 Lbs. Medium Grits \* \* \* Mountain City Mills Chattanooga, Tenn.," and "Mountain City Mills Flour \* \* \* Mountain City Mills \* \* \* 24 Lbs."

Examination of samples by the Bureau of Chemistry of this department showed the average net weight of the articles to be as follows: Self-rising flour (16 sacks), 23 pounds and 8.2 ounces; grits (23 sacks), 95 pounds and 6 ounces; and flour (24 sacks), 23 pounds and 11.2 ounces.

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, in the case of the Mother's self-rising flour, "24 Lbs. when packed," in the case of the medium grits, "96 Lbs.," and in the case of the Mountain City Mills flour, "24 Lbs.," borne on the sacks containing the articles, regarding the articles, were false and misleading in that they represented that said sacks contained 24 pounds or 96 pounds, as the case might be, of the respective articles; and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said sacks contained 24 pounds or 96 pounds, as the case might be, of the respective articles, whereas, in truth and in fact, said sacks contained a less amount.

On June 19, 1920, Count 7 of the information having been dismissed by agreement, the case came on for trial before the court and a jury. Counts 2, 4, 6, 9, and 11 were dismissed by the court as being duplicates of remaining counts and the case was submitted to the jury on Counts 1, 3, 5, 8, and 10. After due deliberation the jury returned a verdict of guilty to Counts 1, 8, and 10 of the information and not guilty to Counts 3 and 5, whereupon the court imposed a fine of \$300.

E. D. BALL, *Acting Secretary of Agriculture.*

**8791. Misbranding of Anti-Pneumonia. U. S. \* \* \* v. John B. Cox. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 8611. I. S. No. 10520-m.)**

On July 6, 1918, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John B. Cox, Maryville, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about March 6, 1917, from the State of Missouri into the State of Iowa, of a quantity of Anti-Pneumonia which was misbranded. The article was labeled in part; "Anti-Pneumonia \* \* \* Manufactured and sold by John B. Cox, Maryville, Missouri."